

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

AMOS BELLAMY, TOMMY B. WILLIAMS,  
WILLIE E. JOHNSON, CHARLIE MAE  
MILLER, ESSIE MAE ANDERSON, LILLIE  
M. JONES, LESSIE M. JOHNSON, MERY  
ANN JONES, ANNIE LEE PIGFORD,  
SHIRLEY G. CURRY, VELETA CURRY,  
E. K. "JACK" SCOTT, RANDOLPH  
WOODFAULK, and WALLACE NESBITT, on  
behalf of themselves and all others  
similarly situated,

Plaintiffs,

vs.

CIVIL ACTION NO.  
TCA 83-7125-MMP

CITY OF PERRY, FLORIDA; J. C.  
YARBROUGH, JR., Mayor of the City of  
Perry, Florida; City Councilmen: JOSEPH  
A. NOLA, THOMAS A. DEMPS, T. ANDERSON  
BORDOIN, JR. and R. BYRUM WHITFIELD,  
their successors and agents, all in  
their official capacities,

Defendants.

FINAL JUDGMENT

On April 29, 1983, the above named Plaintiffs filed their  
Complaint against the above named Defendants alleging that  
at-large city-wide voting for members of the City of Perry  
Council under the Council form of government of the City of

1983 DEC -5 PM 3:44

FILED

Perry excludes black representation and participation and minimizes and cancels out black voting strength in violation of their rights secured by the Voting Rights Act of 1965, as amended, Pub. L. No. 97-205, §3, 96 Stat. 134 (1982), amending 42 U.S.C. §1973, et seq. (hereafter "Voting Rights Act").

The Court, having reviewed the status of this action, and being aided by the recommendations of the Plaintiffs' and Defendants' counsel, and being of the opinion that the best interest of all the parties and all the citizens of Perry, Florida, would be served by approving the Final Judgment, and the Court having reviewed the Final Judgment tendered by Plaintiffs' and Defendants' counsel, finds that said Judgment was entered into voluntarily by the parties, and that it should be approved.

IT IS THEREFORE, ADJUDGED AND DECREED AS FOLLOWS:

1. This decree extends to all issues set forth in the Complaint in this matter and to the class of Plaintiffs defined as all black residents of the City of Perry, Florida.
2. This Court has jurisdiction over the subject matter of this action and the parties thereto.
3. That due to a series of factors including a history of official racial discrimination within the City of Perry and the State of Florida and racially polarized voting in elections within the City of Perry, the at-large election system for the City of Perry City Council has had the effect

of denying the black citizens of the City of Perry an equal opportunity to participate in the political process and elect candidates of their own choice in violation of Plaintiffs' rights under the Voting Rights Act.

4. Defendants are enjoined from providing municipal at-large elections in a racially discriminatory manner in violation of Plaintiffs' rights under the Voting Rights Act.

5. The attached "Election Plan", Appendices 1 through 4, sets forth the mechanism and plan for the City of Perry, Florida, to conduct municipal elections for the members of the City Council in accordance with the Voting Rights Act. Therefore, the Court finds that the "Election Plan" as submitted is a proper remedy in this action, and is adopted and incorporated by reference into this Final Judgment as attached.

6. As the prevailing party in this action, Plaintiffs are entitled, pursuant to the Civil Rights Attorney Fees Awards Act of 1976, 42 U.S.C. §1988, to an award of attorney fees and litigation expense reimbursement.

Plaintiffs shall file with the Court within twenty (20) days from the issuance of the Court's Final Judgment appropriate fee/expense submissions and accompanying memoranda as to this issue. Defendants shall respond within thirty (30) days from Plaintiffs' filing. The Court shall then enter appropriate Order granting Plaintiffs' attorney fees and litigation expenses consistent with the parties' submissions.



7. That upon entry of the Order on Plaintiffs' fee award, this litigation shall be terminated and the action dismissed.

ORDERED AND ADJUDGED this 5th day of December, 1983.

  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

LIPMAN & WEISBERG

ISADORE ROMMES

ARTICLE

City of Ontario

1. The City of Ontario

2. The City of Ontario's Population and  
Voting Registration by District

3. Description of Section Plan

4. The City of Ontario's Local Code and  
Ordinances, with Plans, Maps and  
Appendices 1 through 3

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

AMOS BELLAMY, TOMMY B. WILLIAMS,  
WILLIE E. JOHNSON, CHARLIE MAE  
MILLER, ESSIE MAE ANDERSON, LILLIE  
M. JONES, LESSIE M. JOHNSON, MERY  
ANN JONES, ANNIE LEE PIGFORD,  
SHIRLEY G. CURRY, VELETA CURRY,  
E. K. "JACK" SCOTT, RANDOLPH  
WOODFAULK, and WALLACE NESBITT, on  
behalf of themselves and all others  
similarly situated,

Plaintiffs,

vs.

CIVIL ACTION NO.  
TCA 83-7125-MMP

CITY OF PERRY, FLORIDA; J. C.  
YARBROUGH, JR., Mayor of the City of  
Perry, Florida; City Councilmen: JOSEPH  
A. NOLA, THOMAS A. DEMPS, T. ANDERSON  
BORDOIN, JR. and R. BYRUM WHITFIELD,  
their successors and agents, all in  
their official capacities,

Defendants.

---

APPENDIX

Table of Contents

1. Map of Election Districts
2. Demographic Data Reflecting Population and  
Voter Registration by District
3. Description of Election Plan
4. Changes in City of Perry Laws, Code and  
Charter Consistent with Final Judgment and  
Appendices 1 through 3

Appendix 1 - map too large to copy & not mailed to counsel

APPENDIX 2

DEMOGRAPHIC DATA REFLECTING POPULATION  
AND VOTER REGISTRATION BY DISTRICT

<u>Population</u>				<u>Registered Voters</u>		
District	Total	White	Black	Total	White	Black
I	1,656	409	1,238	514	168	346
II	1,667	260	1,407	504	121	383
III	1,643	1,632	11	819	815	4
IV	1,613	1,127	468	753	583	170
V	<u>1,681</u>	<u>1,438</u>	<u>243</u>	<u>686</u>	<u>618</u>	<u>68</u>
Totals	8,260	4,866	3,367	3,276	2,305	971

APPENDIX 3

Description of Election  
Districts Nos. 1 - 5

A. District I

On the South: From the southwest corner of the city limits, proceeding east along the southern city limit line to Puckett Road [inclusive of southern city limit line].

On the East: From the intersection of Puckett Road and the southern city limit line, proceeding north along Puckett Road to the intersection of Puckett Road/Jefferson Street and Byron Butler Boulevard Parkway (U.S. 19), proceeding northwest along Byron Butler Boulevard to that point south of Saxon Street and south of Baker Street where Woodward Avenue extended south would intersect Byron Butler Boulevard, proceeding north on this southerly extension of Woodward Avenue to north on Woodward to north of Church Street on a northerly extension of Woodward to that point where Woodward Avenue extended north would intersect with Duval Street and Old W.C. Railroad Right-of-Way [exclusive of Puckett Road, exclusive of Woodward Avenue and extensions of Woodward, inclusive of Byron Butler Boulevard Parkway].

On the North: From the intersection of Woodward Avenue extended north and Duval Street/Old W.C. Railroad Right-of-Way proceeding south west along the Old W.C. Railroad Right-of-Way to that point where Pate Street intersects with the Old W.C.



Railroad Right-of-Way, proceeding north along Pate Street to the intersection of Pate Street and U.S. 98/Hampton Springs, proceeding southwest along U.S. 98/Hampton Springs to that point where U.S. 98/Hampton Springs intersects the western city limit line [inclusive of Old W.C. Railroad Right-of-Way, exclusive of Duval, inclusive of Pate Street, inclusive of U.S. 98/Hampton Springs].

On the West: From the point where U.S. 98/Hampton Springs intersects the western city limit line, proceeding south along the western city limit line to the southwest corner of the city limits [inclusive of the western city limit line].

B. District II

On the South: From that point where U.S. 98/Hampton Springs intersects the western city limit line, proceeding northeast along U.S. 98/Hampton Springs to that point where Pate Street intersects with U.S. 98/Hampton Springs, proceeding south along Pate Street to the intersection of Pate Street and Old W.C. Railroad Right-of-Way, proceeding northeast along Old W.C. Railroad Right-of-Way to the intersection of Duval Street and Old W.C. Railroad Right-of-Way, proceeding east along Duval Street to that point where Duval Street intersects Jefferson Street [exclusive of U.S. 98/Hampton Springs, inclusive of the railroad tracks, exclusive of Pate Street, exclusive of the Old W.C. Railroad Right-of-Way, inclusive of Duval Street].

On the East: From the intersection of Duval Street and Jefferson Street, proceeding north along Jefferson Street to the intersection of Jefferson Street and Leon Street [inclusive of the west side of Jefferson Street].

On the North: From the intersection of Jefferson Street and Leon Street, proceeding west along Leon Street to the intersection of Leon Street and Seaboard Coast Line Railway/Byron Butler Boulevard Parkway/U.S. 19, proceeding northwest along U.S.19/Seaboard Coast Line Railway to the intersection of Julia Street and Seaboard Coast Line Railway/U.S. 19, proceeding first west and then southwest along Julia Street/State Road 356 to that point where State Road 356 intersects Miller Road/western city limit line [exclusive of Leon Street, exclusive of U.S. 19/Seaboard Coast Line Railway, exclusive of Julia/State Road 356].

On the West: From the intersection of State Road 356 and the western city limit line, proceeding south along the western city limit line to the intersection of the western city limit line and U.S. 98/Hampton Springs [inclusive of the western city limit line].

C. District III

On the South: From the intersection of State Road 356 and the western city limit line proceeding first northeast and then east along State Road 356/Julia Street to the intersection of Julia and U.S. 19/Seaboard Coast Line Railway, proceeding southeast along U.S. 19/Seaboard Coast Line Railway to the intersection of U.S. 19 and Leon Street, proceeding east along Leon Street to the intersection of Leon Street and Jefferson Street [inclusive of State Road 356/Julia Street, inclusive of U.S. 19/Seaboard Coast Line Railway, inclusive of Leon Street].

On the East: From the intersection of Leon and Jefferson Street, proceeding north along Jefferson Street to the intersection of Jefferson and College, proceeding east along College Street to the intersection of College and Center, proceeding north along Center Street to the intersection of Center and Ash, proceeding east along Ash Street, to the intersection of Ash and Johnson Stripling Road (S.R. 361), proceeding first north and then northeast along Johnson Stripling Road to the intersection of Johnson Stripling and the northern city limit line [inclusive of the west side of Jefferson, inclusive of College, exclusive of Center, inclusive of Ash, inclusive of Johnson Stripling Road].

On the North: From the intersection of Johnson Stripling Road and the northern city limit line, proceeding west along the northern city limit line to the northwest corner of the city limits [inclusive of the northern city limit line].

On the West: From the northwest corner of the city limits, proceeding south along the western city limit line to the intersection of the western city limit line and State Road 356 [inclusive of the western city limit line].

D. District IV

On the South: From the intersection of intersection of Jefferson Street and Old Dixie Highway/A.C.L. Railroad, proceeding southeast along Old Dixie Highway to the intersection of Old Dixie Highway and Granger Drive, proceeding east along Granger Drive to the intersection of Sparrow and Granger, proceeding north along Sparrow to the intersection of Bacon and Sparrow, proceeding east along Bacon Street to the intersection of Bacon and Alvarez, proceeding south along Alvarez Street to the intersection of Alvarez and Page, proceeding east along Page Street to the eastern end of Page Street, proceeding from the eastern end of Page Street north until the intersection with Hampton Springs/U.S. 27, proceeding southeast along Hampton Springs/U.S. 27 until the intersection between Hampton Springs/U.S. 27 and the eastern city limit line [inclusive of Old Dixie Highway, inclusive of Granger, inclusive of Sparrow,



inclusive of Bacon, inclusive of Alvarez, inclusive of Page, inclusive of the eastern end of Page running north until Hampton Springs/U.S. 27, inclusive of Hampton Springs/U.S. 27.

On the East: From the intersection of Hampton Springs/U.S. 27 and the eastern city limit line, proceeding north along the eastern city limit line to the northeast corner of the city limits [inclusive of the eastern city limit line].

On the North: From the northeast corner of the city limits, proceeding west along the northern city limit line to the intersection of Johnson Stripling Road/State Road 361 and the northern city limit line, proceeding first southwest and then south along Johnson Stripling Road to the intersection of Johnson Stripling Road and Ash Street, proceeding west along Ash Street to the intersection of Ash and Center, proceeding south along Center Street to the intersection of Center and College, proceeding west along College Street to the intersection of College and Jefferson [inclusive of the northern city limit line, exclusive of Johnson Stripling Road, exclusive of Ash, inclusive of Center, exclusive of College].

On the West: From the intersection of College Street and Jefferson Street, proceeding south along Jefferson Street to the intersection of Jefferson and Old Dixie Highway/A.C.L. Railroad [inclusive of the east side of Jefferson Street].

E. District V

On the South: From the intersection of Puckett Road and the southern city limit line, proceeding east along the southern city limit line to the southeast corner of the city limits [inclusive of the southern city limit line].

On the East: From the southeast corner of the city limits proceeding north along the eastern city limit line to that point (east of Cottonwood Road and south of U.S. 27) where the eastern city limit line turns ninety degrees and runs due west and would intersect with an easterly extension of Park Street (south of Davis Drive and north of Palm Street), proceeding west along this city limit line contiguous with the easterly extension of Park Street to the intersection between the easterly extension of Park Street and that point (south of Davis Drive and west of Glenridge Road) where the eastern city limit line again turns ninety degrees and runs due north, proceeding north along the eastern city limit line to the intersection between the eastern city limit line and Hampton Springs/U.S. 27 [inclusive of the eastern city limit lines].

On the North: From the intersection between the eastern city limit line and Hampton Springs/U.S. 27, proceeding northwest along Hampton Springs/U.S. 27 and the road running north from the eastern end of Page Street, proceeding south from Hampton Springs/U.S. 27 to the eastern end of Page Street, proceeding

west along Page Street to the intersection between Page and Alvarez, proceeding north along Alvarez Street to the intersection between Alvarez and Bacon, proceeding west along Bacon Street to the intersection between Bacon and Sparrow, proceeding south along Sparrow Street to the intersection between Sparrow and Granger, proceeding west along Granger Street to the intersection between Granger and Old Dixie Highway/A.C.L. Railroad, proceeding northwest along Old Dixie Highway/A.C.L. Railroad to the intersection between Old Dixie Highway/A.C.L. Railroad and Jefferson, proceeding south on Jefferson Street to the intersection between Jefferson and Duval, proceeding west on Duval Street/Old W.C. Railroad Right-of-Way to the intersection between Duval Street/Old W.C. Railroad Right-of-Way and a northerly extension (north of Church Street) of Woodward Avenue [exclusive of Hampton Springs/U.S. 27, exclusive of the eastern end of Page Street running south from Hampton Springs/U.S. 27, exclusive of Page, exclusive of Alvarez, exclusive of Bacon, exclusive of Sparrow, exclusive of Granger, exclusive of Old Dixie Highway, exclusive of Duval, inclusive of the old W.C. Railroad Right-of-Way, inclusive of the eastern side of Jefferson].

On the West: From the intersection between a northerly extension (north of Church Street) of Woodward Avenue and Duval Street/Old W.C. Railroad Right-of-Way, proceeding south along this northerly extension of Woodward to the northern end of Woodward, proceeding south along Woodward Avenue to the southern

end of Woodward, proceeding south along a southerly extension (south of Saxon and Baker Streets) of Woodward Avenue to the intersection between this southerly extension of Woodward and Byron Butler Boulevard Parkway/U.S. 19, proceeding southeast along Byron Butler Boulevard Parkway/U.S. 19 to the intersection between Byron Butler Boulevard Parkway and Puckett Road/Jefferson Street, proceeding south along Puckett Road to the intersection of Puckett Road and the southern city limit line, exclusive of Byron Butler Boulevard Parkway, inclusive of Woodward Avenue and extensions of Woodward, inclusive of Puckett Road].



APPENDIX 4

The following sections of the Charter of the City of Perry are hereby changed and amended to conform to this Final Judgment; to wit:

1. Section 2.02 of said charter is hereby amended (with amendatory language underlined) to read:

"Section 2.02. Composition, Qualifications and Term of Office.

The council shall consist of five (5) members, elected from single member districts, by the qualified voters of the City. They shall be qualified electors, citizens of the United States and shall have resided within the corporate limits of the City for at least six (6) months prior to the date of their qualifying for office.

A. The City of Perry is hereby divided into five (5) districts, designated District I, District II, District III, District IV and District V. The boundaries of each such district are as set out in Appendix 1 and 3 of the Final Judgment of the United States District Court for the Northern District of Florida in Amos Bellay, et al., vs. City of Perry, et al.; Civil Action No. TCA-83-7125-MMP.

B. Qualifying for council seat. Any qualified elector of the city who meets the foregoing qualifications may qualify for election to a council seat by designating the district number in which such person resides and for which he desires to run and by paying such filing fee as the City Council may prescribe, by ordinance, to the city manager not less than thirty (30) days nor more than forty-five (45) days prior to the date of such election. Any such qualified elector who files a sworn statement with the city manager of inability to pay said filing fee and providing to the city manager a petition signed by fifty (50) qualified city electors within the above prescribed period may qualify for election to a council seat without payment of said filing fee. Any qualified elector at the time of qualifying as aforesaid shall file with the city manager a sworn statement setting forth his or her name, address, that he is a qualified elector, that he or she is a resident of the district for which he or she has qualified, that he or she has resided within the corporate limits of the City of Perry for not less than six (6) months prior to the date of qualification and a willingness to serve if elected.

C. Judge of qualifications. The City Council shall have sole discretion in determining whether or not candidates have met the qualifications for election to the council.

D. Terms of Office. The terms of council members shall be for four (4) years. The terms of not more than three (3) council members shall expire in the same year. The terms of council members shall commence upon his or her election.

E. The members of the council representing District I, District II and District III shall stand for election as provided by Section 7.05 of this charter in 1984.

F. The members of the council representing District IV and District V shall stand for election as provided by Section 7.05 of this charter in 1985.

2. Section 10.03 of said charter is hereby amended (with amendatory language underlined) to read:

Section 10.03 schedule.

A. Initial composition of council. The initial membership of the city council shall consist of the five (5) members of the city council of Perry who are in office, holding said seats, on the effective date of this revised and amended Charter.

B. The term of office of each present council member, new district designation, present seat number, and the expiration date of such district seat is:

District I, replaces old seat #1, incumbent councilman, Mr. Thomas Demps, new four year term commencing 1984.

District II, replaces old seat #2 incumbent councilman, Mr. Andy Bowdoin, new four year term commencing 1984.

District III, replaces old seat #4, incumbent councilman, Mr. Joe Yarbrough, new four year term commencing 1984.

District IV, replaces old seat #5, incumbent councilman, Mr. Joe Nola, new four year term commencing 1985.

District V, replaces old seat #3, incumbent councilman, Mr. Byrum Whitfield, new four year term commencing 1985.

C. Effective Date of Charter. This Charter shall take effect upon its filing with the Department of State after adoption by a majority of the electors voting in a referendum thereon.



D. First Council Meeting. At the first meeting subsequent to the adoption of this revised and amended Charter, the council shall consider the appointment of a city manager or acting city manager.